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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,953

03/26/2004

Herman Van Mellaert

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BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

KUBELIK, ANNE R

ART UNIT

PAPER NUMBER

1638

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

DETAILED ACTION

1. Claims 20, 22-23, and 25-33 are pending.

Claims 20, 23 and 28-31 are withdrawn from consideration, as being drawn to a non-elected invention.

2. The finality of the Office action mailed 18 October 2006 is WITHDRAWN and a new rejection applied.

3. This application contains claims 20, 23 and 28-31 are drawn to an invention nonelected with traverse in the response filed 17 November 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.01.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The rejection of claims 21, 24 and 26 under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 3-4 of prior U.S. Patent No. 6,855,873 is withdrawn in light of their cancellation.

Claim Rejections - 35 USC § 112

6. Claims 22, 25, 27 and 32-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Neither the instant specification nor the originally filed claims appear to provide support for the phrase "wherein a TTG start codon has been replaced by an ATG start codon" in claim 22. The specification on pg 29, in the second paragraph from the bottom, only discusses replacement of ATATTGA with ACCATGG, thus also changing the first nucleotide of the next codon. The general concept of replacing the TTG start codon with an ATG codon is not discussed.

Thus, such a phrase constitutes NEW MATTER. In response to this rejection, Applicant is required to point to support for the phrase or to cancel the new matter.

Conclusion

7. No claim is allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik, whose telephone number is (571) 272-0801. The examiner can normally be reached Monday through Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975.

The central fax number for official correspondence is (571) 273-8300.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

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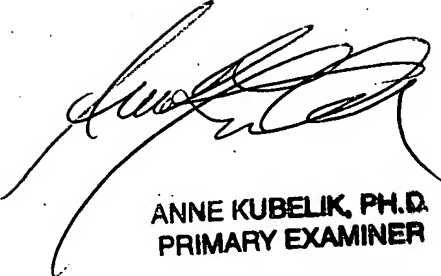
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Anne Kubelik, Ph.D.

April 11, 2007



ANNE KUBELIK, PH.D.
PRIMARY EXAMINER